

REMARKS

Claims 1-35 are pending in the application. Claims 1-35 were subject to the requirement for restriction.

Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §§ 121 and 372:

- Group I: Claims 1, 7, 13 – 15, 26 – 30, 32, and 34, allegedly drawn to a fluorescent protein from Montipora sp. with excitation maximum wavelength of 507 nm and fluorescence maximum wavelength of 517 nm;
- Group II: Claims 2 and 8, allegedly drawn to a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 505 nm and fluorescence maximum wavelength of 516 nm;
- Group III: Claims 16 and 17, allegedly drawn to DNA encoding a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 505 nm and fluorescence maximum wavelength of 516 nm;
- Group IV: Claims 3 and 9, allegedly drawn to a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm;
- Group V: Claims 18 and 19, allegedly drawn to DNA encoding a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm;
- Group VI: Claims 4, 10, 20, and 21, allegedly drawn to a fluorescent protein from Montipora sp. with excitation maximum wavelength of 557 nm and fluorescence maximum wavelength of 574 nm;
- Group VII: Claims 5, 11, 22, 23, 31, 33, and 35, allegedly drawn to a fluorescent protein derived from *Actinia equina* with absorption maximum wavelength of 592 nm; and

Group VIII: Claims 6, 12, 24, and 25, allegedly drawn to a fluorescent protein derived from *Lobophytum crassum* with excitation maximum wavelength of 482 nm and fluorescence maximum wavelength of 498 nm.

Election without Traverse

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group V, claims 18-19, as "DNA encoding a fluorescent protein derived from *Acropora* sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm." Applicants submit that at least Claims 18-19 read on the elected invention.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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